

MINUTES
WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, June 13, 2011, 6:00 PM

At 6:00 PM, Sheila Lacer, Assistant Director, explained to the petitioners that the Board was in an Executive Session and would begin the meeting as soon as possible.

The Board came to the meeting at 6:07 PM.

PLEDGE OF ALLEGIANCE A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Guy Gentry, President; Mike Moesner, Marlin Weisheit, Larry Wills and Judy Writsel.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Sheila Lacer, staff.

MEMBERS ABSENT: Amanda Bailey and Brad Overton

MINUTES: Upon a motion by Mike Moesner and seconded by Marlin Weisheit the Minutes from the Executive Session and Special Meeting held May 4, 2011 were approved as circulated. Upon a motion by Mike Moesner and seconded by Marlin Weisheit the Minutes of the last regular meeting held May 9, 2011, were approved as circulated.

The President explained the Rules of Procedure to the audience.

REZONING PETITIONS:

PC-R-11-04 – Petition of Brandi J. Laskowitz. OWNERS: Brandi J. Laskowitz, Jason W. Boyle, Raymond C. Laskowitz, and Rhonda Laskowitz To rezone 5.121 acres located on the south side of Ridgeview Avenue approximately 0 feet East of the intersection formed by Ridgeview Avenue and Blesch Circle. Greer Twp. from “R-1A” One Family Dwelling Zoning District to “A” Agriculture Zoning District with a Use and Development Commitment. Complete legal on file. *Advertised in the Boonville Standard June 2, 2011.*

Brandi Laskowitz, Raymond Laskowitz, Rhonda Laskowitz, Attorney Doug Welp and Bill Bivins, PE, ACCU Land Survey were present.

The President called for a staff report.

Mrs. Rector stated they have submitted all of the return receipts from certified mail of notice of this meeting to the adjacent property owners. She stated they are requesting to rezone 5.121 acres of their 10.44 acres property from "R-1A" Single Family Dwelling to "A" Agriculture zoning. She explained that Agriculture zoning requires a minimum of ½ acre lot with 100' frontage at the building line and this property has 203.31 feet along Stanley Road but the driveway to their home is off Ridgeview Avenue. She stated the Comprehensive Plan projects Moderate to High Density Residential bordering no projected plans. Mrs. Rector stated that Ms. Laskowitz lives on the property and has two horses there. She then stated the surrounding property to the North is zoned "R-1A" Hornet Hill Subdivision; South is "R-1" Single Family Dwelling; East is mostly vacant Agriculture with a residence and the West is Agriculture with a residence; a Cemetery and some vacant property and there is also some "R-1A" which is the remaining property of Laskowitz and Walter's Estates.

Mrs. Rector explained to the Board that this property was rezoned to "R-1A" from Agriculture in 1990 by Jerry Like. She stated it was planned to be Walters Estates Subdivision and they did a portion of the subdivision but never completed it. She stated in 2001 a primary plat, Elberfeld Estates, was approved by the Plan Commission; however, no secondary plat was ever filed and the primary plat expired. She stated the property has remained vacant until Ms. Laskowitz purchased the property in July, 2009 and obtained an ILP for a single family dwelling and unattached accessory building in August, 2009. She stated that several complaints were filed in this office on March 11, 2011 stating they didn't want hooved animals in or near their property. She added the Zoning Inspector went to the property on April 28, 2011 and reported *I have made a site visit to 10533 Ridgeview Ave, Elberfeld, IN. I have found the complaints to be true. There are two hooved animals in a fenced in area beside the house.* Mrs. Rector stated the office sent a letter to the owners on May 11, 2011 informing them of the complaints and the Zoning Inspector's findings and that the property is not zoned for livestock and that they need to either rezone the property to Agriculture or remove the horses in order to come into compliance. She stated there is no flood plain on the property and there is an existing residential driveway on Ridgeview Avenue but they also have frontage on Stanley Road. She stated according to the submitted petition the stated use will be a pasture which is allowed in an Agriculture zoning. She added that Ms. Laskowitz has submitted a Use and Development Commitment limiting the use of the real estate to housing and riding of personal pleasure horses and no other livestock shall be allowed or housed on the property. There are four property owners listed on the deed, including Ms. Laskowitz; however, only Ms. Laskowitz signed the Use and Development Commitment. She asked Attorney Doll if all of the owners should sign the Use and Development.

Attorney Doll stated if it is approved it should be subject to that they all sign.

Mrs. Rector stated if the rezoning is approved then they will be held to the Use and Development Commitment which would limit it to their personal horses. She asked if two horses is all she plans to have.

Ms. Laskowitz stated yes.

Mrs. Rector stated the Use and Development Commitment will be recorded and cross referenced to their deed of the property. She added the application is in order. She stated there is a plot plan showing the location of the house, all of the property they own and the property they want to rezone.

The President asked if they had anything to add to the staff report.

Bill Bivins stated when he did the survey to locate this property one of the neighbors was concerned about cattle being put on the property. He stated that is why they came with the Use and Development Commitment limiting it to her personal pleasure horses only, no boarding.

The President called for questions from the Board.

Marlin Weisheit asked if this was approved would they be allowed to put cattle on there.

Mrs. Rector stated they are restricting themselves with the Use and Development Commitment to limiting themselves to the two horses.

Marlin Weisheit stated that is what he thought but he wanted to make sure.

Doug Welp, Attorney, stated he has several photographs of the property that might be beneficial for them to see the area if they haven't been there.

Guy Gentry stated they have photos in their packets but if he wants to submit more he can but they become the property of the Plan Commission.

Attorney Welp handed out photos to the Board. (copy on file) He stated he put labels on the photos so they can orient themselves as to which direction they are looking at. He stated the first photo faces northwest from the Laskowitz property and there are other ones from different directions, some facing southeast, some facing south from the area over on the east side where the horses are. He stated there is one photo from Stanley Road facing north that looks into the area where the horses are but the distance is so great he doesn't think you can even see the horses. Attorney Welp stated the overall concept is that this property is approximately 11 acres and what is asked to be rezoned here is 5.12 acres. He stated so the property that is on east side that is essentially a rectangle with a little jut out for the barn is what they are rezoning. He stated that east side of the property adjoins a tree line and on the other side of the tree line is an open field and there is a house well off into the distance.

Ascertaining there were no other questions from the Board, the President called for remonstrators.

Doug Welp stated they do have a letter of support from Gary and Kim Snow stating they are expressing their support for the Brandi Laskowitz and Jason Boyle petition and their property is

directly south and southwest of the property they are asking to rezone. He stated he won't read the whole letter but it states the property is outside the Town of Elberfeld which is a rural community and they appreciate the way the property owners are maintaining the property and they have some dogs in the neighborhood that bark all night and they would rather have the horses. (copy on file).

Charles Engelhardt, 10666 Ridgeview Avenue, stated he lives less than a block away from this home and a block and a half from where the horses are. He stated his home is worth over \$300,000 and he is not for this (rezoning). He stated for tax purposes he is concerned because they will lose taxes if they take this from residential "R-1A" to agriculture. He stated this happened to a friend of his who had a few acres out in the country and the neighbor changed to agriculture. He asked what happens if the homeowner loses their home or sells to a developer, are they going to develop this property if they change the zoning to agriculture. He stated when he purchased his lot several years ago he was told lots in a subdivision and the property to the south of Ridgeview Avenue was zoned residential, not farm ground. He stated the residents who live in this area should stay in harmony with other homes and not staying in line will decrease the property values, quality and value of their homes.

Mr. Engelhardt stated what if he purchased the empty lot behind his home and puts a horse on it and put a fence up, what would people say then, it is no different behind his house or putting the horses here south of town. He stated they said there is farm ground east of their home and where the horses are but probably within the next year there will be a new two story home built there by a young couple. He stated he understands they need five acres for a horse and then an additional acre for each additional horse, per Horseapedia.com for Indiana. He stated there is no permanent fence or shelter for the two horses and they have been there for six to eight months. He stated the zoning book has no listing for "horse" nor "horses". He then asked what if they give them the right for the horses and then they want to have an arena, is it still agriculture or will this become "R-1A"; this is not zoned "CON". He stated he has a plat of the original subdivision and they probably do too and they have pictures shows the "R", "R", "R-1A" everything and the plat was back in the 90's. He showed the Laskowitz property on the plat he had and stated it is all zoned "R-1A".

Mr. Engelhardt stated Section 5 Nuisance in the zoning approval there says nothing shall be allowable on a premises in any district provided for in this article. They shall (not) in any way be offensive or noxious by reason of the original owners. Gases, dust, smoke, light, vibration or noise nor shall anything be constructed or maintained that would any way constitute an eyesore or nuisance to adjacent property owners or residents in the community. Mr. Engelhardt stated he has a question for the Plan Commission – what happens if this is turned down by the County and the homeowner cares less about what the County says and do what they want to do. They are against the zoning code now and have been for six to eight months, what happens next.

Thomas Graves, 8711 Blesch Circle read a petition to the Board and stated it is signed by the majority of the home owners in the Hornet Hill Subdivision. *The signatures listed below are listed as proof of our intentions to fight the proposed change in rezoning of the property belonging to Ray Laskowitz on Ridgeview Avenue in Elberfeld from residential to agricultural. This address is part of a subdivision currently zoned residential and is on the agenda to be annexed into the Town of Elberfeld. Mr. Laskowitz currently has horses on this property, against the zoning of said property, and has voiced intentions of obtaining cows should rezoning be approved. This proposed rezoning will make my residential home value decrease. Furthermore, we request the horses be removed from the property in question. They have gotten out of their corrals previously and gone into residential yards leaving their excretions on neighbor's property.* (Copy on file) Mr. Graves stated when the wind blows from the south he gets horse procurement at his house. He stated he has more flies than he has ever had before. He stated some of the people here are more than satisfied to live in Elberfeld for the entirety of their lives. Mr. Graves stated he is a 75 year old retired underground coal miner and he doesn't intend on living in Elberfeld for the rest of his life, he would very much like to sell his property at his choice at a reasonable price; the same kind of price that he paid Mr. Aigner for that house. He thanked the Board for their attention.

Gwen Putler, 11166 Sawmill Road, stated she doesn't live near this but she is the Township Trustee and she doesn't see anything wrong with them having horses as long as they keep it clean and keep everything in the back.

Mark Russell, 8688 Harbison Court, stated he lives directly across from the Laskowitz property. He stated they have agreed to only having horses on the property but what happens if they change their mind five years down the road. He asked if they will be facing this again. He stated this is a residential area and they bought their property six years ago with it being residential and looking for further development. He stated their property is very lovely and he commends them on what they have done there with it but he didn't move into a subdivision to have a farm right across the street from him. He stated he would appreciate their consideration in this matter.

Mrs. Rector asked Attorney Doll if he wants to address the question of what happens if they change their mind.

The President stated he is making a list of questions to take care of and was going to wait until the remonstrators have finished speaking. He stated this rezoning has been filed with a Use and Development Commitment and they cannot defer from what is stated in the Use and Development without coming back here and re-advertising again. He stated if they sell the property then it reverts back to the original which is "R-1A". He stated another question was "what happens next" and if they don't comply they have legal proceedings and that is the reason they are here now because they are not in compliance. He stated there are many people not in compliance under the ordinance but until someone files a complaint and it gets brought before this Board they don't take action. He stated if this matter is not resolved then it will get resolved

through the courts. Mr. Gentry stated he has a question about the annexation that someone mentioned.

Mrs. Rector stated Steve Gibson, Elberfeld Town Board Member, called the office and said they are looking, thinking about annexing this area and asked what the zoning would be if they annexed it. She stated he said at this time the Town Board has no stand one way or another on this zoning. She stated he was going to fax a statement today but it never came but he indicated to her that is what it was going to say.

Mike Moesner asked if they have an ordinance about animals within the limits of town.

Mrs. Rector stated what it says is that any property that is annexed into a town limit that is agriculture or CON zoning automatically becomes "R-1A" unless the town specifies differently. She stated commercial zoning remains the same. She added there are properties within the town that are zoned agriculture.

Guy Gentry stated another thing was brought up about buying a lot in the platted subdivision and putting animals on that; he stated that is a little bit different because you can't do that on a platted subdivision that has multiple owners. He stated this property is all owned by one person (deed) and was never secondary platted.

Mrs. Rector stated the lot they own in the subdivision is not a part of this rezoning either. She asked Attorney Doll if this property was annexed in the future and it goes back to residential zoning, will this be pre-existing, non-conforming because they approved the zoning and allowed the horses.

Attorney Doll stated the Plan Commission has jurisdiction over Elberfeld's zoning but they would be grandfathered in the way it is. He then added he has a couple of comments about the Use and Development Commitment. He stated the proposed paragraph one has the language "to allow housing and riding of personal pleasure horse on the property". He asked Ms. Laskowitz if she means that it would be the petitioners' personal pleasure horses or could it be his pleasure horse or anyone's.

Bill Bivins stated it is the petitioners.

Attorney Doll commented it should say that.

Bill Bivins stated they will correct any language he feels necessary.

Attorney Doll asked the relationship of all of the property owners.

Doug Welp stated Brandi Laskowitz lives there and is the daughter of Raymond and Rhonda Laskowitz and Jason Boyle is her significant other.

Attorney Doll stated should these four parties or any of them no longer be owners of record of this property would it be part of the Use and Development Commitment that the use would revert back to "R-1A" or not.

Doug Welp stated that is not their intent.

Attorney Doll stated so what they are seeking is a pleasure horse that is owned by one of these four individuals.

Bill Bivins stated he thinks they are also saying it will be a maximum of two horses.

Attorney Doll stated he didn't see that. He stated so they are saying it will be one of the property owners' personal pleasure horse, not to exceed two horses, but they are not proposing it revert back to residential district. He stated so once it goes to agriculture then it would take a rezoning petition to bring it back.

Mrs. Rector stated all the property can be used for is the two horses. She stated zonings never revert back to a previous zoning; you have to rezone it back.

Attorney Doll stated but it could be the personal pleasure horses not only of the four property owners but of any future owner of the property.

Guy Gentry called for other questions from the Board.

Larry Willis stated one of the remonstrators said there was no shelter for the horses and wanted to know if there was shelter for them.

Ms. Laskowitz stated at this time they are out but they are putting stalls in their barn but they are waiting because they knew this was coming up.

Bill Bivins stated they do have a barn that is on the property.

Larry Willis stated he sees that on the plot plan and he asked if there will be a stable area in that barn for the horses to reside in during inclement weather.

Ms. Laskowitz answered correct.

Judy Writsel asked if she is reading the plan correctly that the property to the east of this is zoned agriculture.

Bill Bivins stated yes.

Ms. Writsel stated so this is basically asking that the already zoned agriculture be extended 200 feet to the west.

Bill Bivins stated basically yes.

Ms. Writsel stated what becomes agriculture would be adjoining agriculture already on the right (east). She stated the subdivision already abuts agriculture zoning on the right (east) so this is making the agriculture zoning a little bit wider.

Mrs. Rector stated that is correct.

The President called for other questions from the Board.

Marlin Weisheit stated he just wants to comment that this is a tough decision for him because he feels like he is friends with both sides of the fence here and it is a great subdivision and he would live next door to any of these people here and the property is all maintained very well. He stated everyone has a lot of pride in their homes there.

Guy Gentry called for further comments from the Board and being none he called for a motion.

Sandra Grimes, 8711 Blesch Circle, called from the audience and asked if she could say something. She stated the horses have been in her front yard and they have crapped in her yard and the smell from the horses is terrible. She stated she and her husband bought a beautiful brick home in a nice subdivision out in the country and she doesn't want to smell horses.

Guy Gentry called for a motion.

Guy Gentry made a motion to recommend approval to the County Commissioners of PC-R-11-04 from "R-1A" to "A" Agriculture. The motion was seconded by Judy Writsel. Roll call was taken with Guy Gentry, Judy Writsel and Mike Moesner voting for the motion, Larry Willis voting against the motion and Marlin Weisheit abstaining.

Guy Gentry stated this petition will be forwarded to the County Commissioners on July 11, 2011 at 4:00 pm with no recommendation.

Guy Gentry stated before they get to the next item on the agenda he would like legal clarification. He stated Gary Gentry is his brother.

Attorney Doll stated he probably should abstain from voting. He stated if he has a direct monetary interest in the property he should not participate in the meeting at all.

Guy Gentry stated he does not have any interest in the property.

Attorney Doll stated he can administer the meeting but the vote will have to be unanimous or it will not have a recommendation. He stated they could also continue this to the next meeting.

Guy Gentry asked if they wish to continue this to the next meeting.

Marlin Weisheit stated hopefully Gary Gentry's petition won't be as complicated and he can vote.

PC-R-11-05 – Petition of Gary L. Gentry To rezone 37.575 acres located on the south side of Vann Rd. approximately 623 feet West of the intersection formed by Vann Rd. (S 350) and Anderson Rd. (W 600) Ohio Twp. from “M-1” Light Industrial Zoning District to “A” Agriculture Zoning District. Complete legal on file. *Advertised in the Boonville Standard June 2, 2011.*

Gary Gentry and Bill Bivins, P.E., ACCU Survey were present.

The President called for a staff report.

Mrs. Rector stated they have submitted all of the return receipts from certified mail of notice of this meeting to the adjacent property owners. She stated this request is to rezone 37.575 acres from “M-1” Light Industrial to “A” Agriculture. Mrs. Rector stated Agriculture zoning requires a minimum of ½ acre with fifty foot frontage on road and 100’ at building line. She explained the Comprehensive Plan shows no projection for this property and the property is currently vacant. She stated the surrounding property zoning is as follows: North – Agriculture – Residences and Church; East – Vann Park Estates; South – Vacant Agriculture; West – Vacant “M-1”. Mrs. Rector stated this property was zoned to “M-1” in 1991 and there is no flood plain on the property. She stated this property has frontage on Vann Road and the applicant has indicated someone wants to purchase the property and build a residence. She added they will be doing a minor subdivision also and that is allowed in an Agriculture zoning.

Bill Bivins submitted a sketch showing what the lots are proposed to be and stated the smallest lot will be over three acres because they will be on septic systems. (Copy on file)

Mrs. Rector asked if all of the parcels will be building sites.

Mr. Gentry stated the big lot will not be a building site, only the three smaller lots.

The President called for questions from the Board.

Colleen Richey stated she owns 15 acres there and right now they are farming it cause they haven’t been able to sell lots so is it going to be agriculture and housing or what is it going to be.

Bill Bivins explained a drawing to her.

Gary Gentry explained that the property is zoned industrial right now and so she could have a factory right now but that isn’t consistent with what is happening in this area so he is down zoning from industrial to agricultural and they will be building houses there. He stated he is also putting restrictive covenants on the property that will at least maintain the same standards as the current houses there.

Considerable discussion incurred at once. It was discussed that the zoning maps show Mrs. Richey’s property is also zoned “M-1”.

Mrs. Rector stated the office will check the zoning maps tomorrow for her.

Gary Gentry stated this request to rezone is consistent with the market demand and the surrounding development in the area. He stated at one point he envisioned this could be developed industrial but it has not developed the way he thought and so now the highest and best use would appear to be residential and compatible with the rest of the area and will complement Mrs. Richey's property value.

Mrs. Richey asked if they will have to do the same thing to their property.

Mrs. Rector stated she will check the maps to make sure and if so and they ever want to build a house or anything they will have to rezone their property.

Mrs. Richey stated they want to sell it for residential but right now they letting someone farm it.

Guy Gentry stated she can farm in with either zoning.

Ascertaining there were no other remonstrators and being no comments from the Board the President called for a motion.

Marlin Weisheit made a motion to recommend approval to the County Commissioners of PC-R-11-05 from "M-1" Light Industrial to "A" Agriculture. The motion was seconded by Judy Writsel. Guy Gentry abstained and all other members voted for the motion.

Guy Gentry stated this petition will be forwarded to the County Commissioners on July 11, 2011 at 4:00 P.M. with a recommendation of approval.

AMENDING ORDINANCE TO THE SUBDIVISION CONTROL ORDINANCE:

AN ORDINANCE TO AMEND ARTICLE III A PROCEDURES FOR SUBMISSION OF MAJOR SUBDIVISIONS SECTION 11 SUBSECTION 1 (b) REQUIRED SUBMISSIONS PRIOR TO CONSIDERATION OF SECONDARY APPROVAL (MAJOR SUBDIVISION) OF THE SUBDIVISION CONTROL ORDINANCE FOR WARRICK COUNTY, INDIANA.

The purpose of this Ordinance is to change scale requirements for Major Subdivisions. *Advertised in the Boonville Standard June 2, 2011.*

Mrs. Rector stated the Subdivision Control Ordinance says that a plat scale cannot be smaller than 1"=60' and with subdivisions with lots of property and five acre lots they have to have three to four mylars with matching lines and so this is to change that anything with lots over 2.5 acres they can be at a scale up to 1"=200' so they won't have to have as many sheets.

Marlin Weisheit stated he agrees.

Larry Willis made a motion to recommend approval of this ordinance to the County Commissioners. The motion was seconded by Mike Moesner and unanimously carried.

AN ORDINANCE TO AMEND ARTICLE II DEFINITIONS SECTION 2 TERMS DEFINED SUBSECTION 45 SUBDIVISION OF LAND AND SUBDIVIDE SUBSECTION (b) PARCELIZATION OF THE SUBDIVISION CONTROL ORDINANCE FOR WARRICK COUNTY, INDIANA. *Advertised in the Boonville Standard March 31, 2011. Recommendation of approval by APC April 11, 2011. Approved with amendments by County Commissioners May 9, 2011.*

The purpose of this ordinance is to change certain requirements for parcelizations.

Mrs. Rector stated the Commissioners sent this ordinance back to this Board with an amendment. She stated this Board approved this at their last meeting but the Commissioners wanted “(d) For the purposes of parcelization, the term “parcel” shall be defined as a separately identified parcel for property tax purposes.” She stated this definition has been created and this is repeating it in this ordinance but this is what the Commissioners wanted. She stated if this Board approves the amendments then the ordinance is approved because the Commissioners approved it as amended at their meeting.

Mike Moesner made a motion to approve the ordinance (2011-11) as amended by the County Commissioners. The motion was seconded Larry Willis and unanimously carried.

OTHER BUSINESS:

Complaint: Re-inspection of James & Janet Wolfe, 5066 Jamestown Drive, Newburgh, IN. Lot 18 Heritage Place Subdivision ~ Alleged junk/salvage yard in an “R-1A” Single Family Dwelling Zoning District.

James Wolfe and Anthony Wolfe were present.

The President called for a staff report.

Mrs. Rector stated at last month’s meeting the Board gave them until June 10th to get their property cleaned up the rest of the way due to all of the rain they have had. She stated she did an inspection Friday morning (6/10/2011) and as they can see in the pictures there was absolutely nothing that she could see that had been done in the past month. Mrs. Rector stated the yard was overgrown and she went behind the above ground pool area and took pictures of areas never photographed and shows all the items behind the pool. She stated she also took a picture of the inside of the pool to show that it is full of water.

Mrs. Rector stated she and Guy Gentry visited Mr. Wolfe’s home on Lincoln Avenue this morning (6/13/2010) and Anthony Wolfe and Jeff Wolfe said they had been over at the Jamestown house working this weekend and wanted them to go back over and check it out. She stated they did go back to the Jamestown site and maybe a few things had been picked up but the only thing they could really see differently was the yard had been mown but not weed-eaten. She stated there were 19 weed eaters there and it looks like they are building a “shed”. She stated

the camera was full and she couldn't get pictures of it but it is a pretty torn up shed and it looks like it went through a tornado. She stated if they can get it together then she guesses it will work. Mrs. Rector stated they need to act on this property.

Guy Gentry stated this property still has a lot there. He stated the tub is there; the refrigerator is still there and a wooden storage rack with all the stuff on it and under it was still there. He stated they do have a dolly they brought over to move a vehicle but Anthony's truck broke down so he hasn't been able to get back to Georgia yet. He stated there are drills...they have stacked some stuff in the shed and it is full but there is still a lot of stuff that needs to be thrown away and hasn't been.

James Wolfe stated that shed has been full all along.

Mrs. Rector stated they did fix the stone wall from last month.

Attorney Doll asked if the windows are broken out.

Guy Gentry stated multiple windows are.

Anthony Wolfe stated about four or five of them are broken.

Marlin Weisheit stated one thing that concerns him is the ladder right up against the pool where some child can walk up and tumble right in.

Mrs. Rector stated she explained to Jeff and Anthony the liability they have with no locked gate and that pool full of water.

Marlin Weisheit stated there is a State Statute that regulates pools that if they aren't in use and they don't have a secure fence then the ladder has to be removed and away from it.

Anthony Wolfe stated he didn't know how far he had to move it but he did move it from where it was leaning on the pool.

Mrs. Rector stated a six year old can pick up a ladder and hook it back up on a pool.

Guy Gentry stated they can walk up that landscaping and get in.

Attorney Doll asked why the pool has water in it.

Marlin Weisheit stated there are health issues there.

Attorney Doll stated it would be full of mosquitos.

Anthony Wolfe stated his nephew is still sick and since he has been down here his nephew and his wife and kids have been staying over at James's house and they have been trying to work a little bit on both places and it has taken more time than he thought it would.

Attorney Doll asked if there is a drain in the pool or do they have to pump it.

Anthony Wolfe stated you have to pump it out.

Larry Willis asked if it will collapse if they take the water out.

James Wolfe stated it will.

Mrs. Rector stated on this piece of property James Wolfe owns it with his son's wife (Janet).

James Wolfe stated he put his name on it so they could get it financed but he doesn't live there.

Mrs. Rector stated she understands that but since his name is on the deed he is an owner and he is responsible.

James Wolfe stated no one asked him about putting a pool there.

Guy Gentry asked for the wishes from the Board.

Marlin Weisheit stated he personally feels they have allowed plenty of time and there isn't enough progress being made to...

Judy Writsel stated it is not extraordinarily expensive to get a big dumpster from someplace and fill it up and pay the dump fee and they will haul it away. She stated it does cost but it costs the tonnage.

Larry Willis stated it also costs the delivery fee to deliver it and to take it away.

Mrs. Writsel agreed but by them not having a truck right now there are ways to get rid of it. She stated she has used those and the cost has not been bizarre.

Mrs. Rector stated they can get dumpsters at different costs and it may be cheaper than trying to take truckloads to the landfill.

Mrs. Writsel stated by the time they haul off pickup after pickup and pay the gas bills and they will still pay the same amount of dumping fees whether it is in small batches or large batches but having a place to throw it all and then having them haul it away would be a really good approach to this.

Mrs. Rector informed Mr. Wolfe they went through this before in court on this property.

James Wolfe stated they took care of that.

Mrs. Rector stated it is back again.

James Wolfe stated they told him if he would get a fence around his property they would not bother him anymore.

Mrs. Rector stated he had to clean the property up, get the fence put up and he did what he was supposed to do but they didn't say he could go do it again and they wouldn't come back because now it is worse than it was before. She stated he (Jeff) had to pay a \$1,000 fine which would have actually been on James because his name is on the deed. She stated she wants him to know they worked with him before and now they are back again and this has been going on since April.

Mike Moesner stated he thinks the last time they were here they were pretty confident they could get everything done by now.

James Wolfe stated they were but he has gout sometimes and he has to stay in bed for two to three days at a time and he can't walk half the time and if he walks he has to use crutches.

Mrs. Rector stated what she doesn't understand is that every time she goes back to the property they have moved something more there. She stated the last time it was the trampoline and now there is the shed and all this other stuff that wasn't there before so he is able to move things there but nothing moving away. She stated they had to have a way to move that building there.

Guy Gentry asked how many of the 19 weed eaters work.

Anthony Wolfe stated he has no idea; that is his nephew's.

Marlin Weisheit asked if he is part owner of the house.

Mrs. Rector explained that James Wolfe and his son Jeff's wife own this property.

Attorney Doll asked why she hasn't been to any of the meetings.

James Wolfe stated she is a nurse and works afternoons. He stated she has to work because she is the only income.

Attorney Doll asked what his son does.

James Wolfe stated right now he does nothing; he has epileptic fits and no one will hire him. He stated he is trying to get on disability now.

Guy Gentry asked the wishes of the Board.

Attorney Doll stated he can file a complaint for a violation of the zoning ordinance with the Superior Court 1, not dis-similar to the Brandon Smith case. He stated it is a painful process but in the end it works.

Marlin Weisheit stated he just can't see giving them more time. He stated they have been given time and if he saw any progress he would be willing to give them more time but he just doesn't see any progress. He stated he thinks they have to move on this. He stated if he lived there he would be very upset and he would want to see something done if he was one of the neighbors.

He stated he is in favor of moving on with court procedures to make sure they get it cleaned up again.

Guy Gentry asked if he is making that a motion.

Marlin Weisheit made that into a motion to move forward with court procedures. The motion was seconded by Judy Writsel and unanimously carried.

Attorney Doll informed the Mr. Wolfe that he would be filing a lawsuit, maybe this week, in Superior Court 1 and ask the Judge to determine that they are maintaining a junk yard or public nuisance at this site in violation of the Warrick County Comprehensive Zoning Ordinance. He stated at that point in time it will be up to the Judge to determine if this is a junk yard and if it is a violation. He stated if he does find it so then he has the authority to place a daily fine of up to \$300 a day against this property until such time that it is cleaned up. He stated if it isn't cleaned up by a deadline that the Judge determines then he will normally order the County to send County Highway employees out there to clean it up and haul it away to the landfill and to place a lien against the property for all of the costs and fines.

Attorney Doll stated they can dismiss this complaint if the property becomes a squeaky clean piece of property over the next couple of days and it is in their best interest to clean it up now. He stated he can't be any clearer and if they won't clean it up then they (County) will.

Guy Gentry stated as long as they understand that then while they are still here they should discuss additional property they own on Lincoln Avenue.

Mrs. Rector stated there was a formal complaint filed on June 10, 2011 on 8044 Lincoln Avenue which is owned by James Wolfe and his wife Virginia Wolfe. She stated the complaint states *there are currently five vehicles in the front yard (most not running and probably unregistered). Grass is un-mowed over one foot high. There are two abandoned vehicles in back yard. There is an abandoned above ground pool in the back yard without a fence. Grass in the back yard over two feet high.* Mrs. Rector stated since Mr. Wolfe and his daughter in law were already on the agenda this evening for the Jamestown Drive property I decided to go ahead and take photos and discuss this matter with them in person since they were going to be at this meeting anyway. She stated this morning Guy and I went to the property (6/13/11) and took several photos which they have in their packets. She stated the camera disk was full and she was only able to take 13 photographs and so the photos don't show everything that is on the property. She stated this property has as much, if not more, than the property as on Jamestown Drive.

Attorney Doll stated it looks like more. He then asked if this property is just west of the intersection of Lincoln Avenue and SR 216.

Mrs. Rector stated it is two houses down from the intersection. She stated instead of writing a letter to them and telling them to come to a meeting since they were going to be here anyway she

thought the Board could act on this as well. Mrs. Rector stated she did talk to Anthony and Jeff this morning at the Lincoln Avenue property and explained to them that if the County comes in to clean it up they won't be able to say what goes and what stays; they will wipe it clean. She stated they will pull the cars off the property that are not licensed or running and they will come in and take it all. She stated she wants them to understand this and they need to realize what can happen. She stated they have a lot of nice things; motorcycles and four wheelers and nice tools but if they are laying around on the ground and it gets to the point the County comes out to clean it up then if it is laying there they will take it.

James Wolfe stated all but two of the cars are licensed and they all have insurance and they all start but two of them.

Attorney Doll asked if they run.

James Wolfe stated they all start and run but two of them.

Attorney Doll stated he is looking at a blue Cavalier that looks to him like it has really old license plates.

James Wolfe stated that is one that isn't licensed.

Mrs. Rector stated Jeff said the only thing running was a van and she doesn't know if she even got a picture of it.

James Wolfe stated the white van runs and it is a '94 van.

Attorney Doll asked about the wrecked Buick, does it run.

James Wolfe stated it runs.

Attorney Doll stated he can't drive it so how does it run.

James Wolfe stated he just put the insurance on it just the other day and it has had insurance the whole time it has been sitting there.

Marlin Weisheit stated the vehicles have to be operable.

Mr. Wolfe stated it is operable.

Attorney Doll stated one looks like it has flat tires.

Mr. Wolfe stated he has a compressor that can air up tires.

Attorney Doll stated the nose is all busted up and the headlights are all busted and it is next to the red Ford Explorer.

Mrs. Rector stated Jeff said he was working on the Explorer to get it running and she thought there was a red van there and it was the only thing that was running at the time according to him. She stated she thinks Anthony's truck has some issues right now too.

Attorney Doll asked which truck was Anthony's to which it was explained it was the black Ford.

Anthony Wolfe stated they have the bed slid back and are trying to figure out why it won't crank.

Attorney Doll asked why they have the bed off the back.

Anthony Wolfe stated they slid it back because that is the easiest way to get to the fuel pump.

Attorney Doll stated this looks just as bad as the other property.

Marlin Weisheit stated he is inclined to agree and made a motion to refer this property to the court too. He stated they might be able to convince a Judge it is okay but they aren't going to convince him that this is acceptable. He stated this is a nice area and he knows the neighbors have to be upset and impatient.

Attorney Doll stated there is a brand new home across the street.

Mrs. Rector stated the tornado went through there and a lot of homes had to be replaced.

Marlin Weisheit stated hopefully they will get in compliance before it goes to Court. He stated that is his goal, he doesn't want to see them lose their property and stuff. He stated they have had to do this recently and it is not fun but it has to be cleaned up and he is sure the Judge will agree but that is up to him.

Mike Moesner seconded the motion and it unanimously carried.

Guy Gentry told them the quicker they clean up the property the better it will appear in Court and then the Judge may give them some time but they are going to need to show considerable progress from today on.

Mrs. Rector stated they will be getting a court date and she will be coming to the properties to take pictures before that date to show the Judge so he will know if they are or not cleaning it up.

ATTORNEY BUSINESS:

Attorney Doll stated on the Brandon Smith property cleanup he still needs the County's expenses and what it cost to clean it up.

Marlin Weisheit stated he has a list from Brad's Towing that he will give to Sherri. He stated he told Mr. Smith to get anything that was salvageable moved and he did move a couple of things and then he just quit. He stated they had the Corvette and Trans Am on one day and Mr. Smith

paid Brad's Towing to move them to his new location in Vanderburgh County. He stated he does have a list of things he hasn't come to get. He stated Mr. Smith still owns the property and still has stuff in the garage and added that he tried to work with him as much as he could but finally he just gave up.

Attorney Doll stated he needs to submit a final report to the Court.

Marlin Weisheit stated he will get it to Sherri tomorrow.

Mrs. Rector asked if he will get the list from the Highway Department too or should she call.

Marlin Weisheit stated they need to call and remind them to get a bill for the guy's and the time for mowing and clean up.

Mrs. Rector stated there should also be a bill from the landfill.

Marlin Weisheit stated there will be a bill from Solid Waste because they set up a dumpster.

Attorney Doll asked who paid the towing charges and Marlin Weisheit stated Brad's Towing took the items and will salvage out the vehicles if Mr. Smith doesn't redeem them so the County didn't have to pay a bill for that.

Attorney Doll stated he needs all the bills to submit to Court.

EXECUTIVE DIRECTOR BUSINESS:

Mrs. Rector stated as explained in the Executive Session earlier with all the different positions and the vacation pay for herself and Sheila Lacer and hiring someone as Planner III and moving Christy Powell to Planner I and allowing the part time employee she needs a motion from the Board.

Marlin Weisheit made a motion for budget next year that the Executive Director retain two Planner I positions also include in by back of one week of un-used vacation and advertise and take applications for a Planner III vacancy and to move Christy Powell to the Planner I position right now.

Guy Gentry commented moving Christy is something Mrs. Rector could just do in the office.

Mrs. Rector stated she would like for it to be in a form of a motion in case they go to court.

Attorney Doll stated so they will have two Planner I positions.

Mrs. Rector stated she is going to propose that in next year's budget. She stated she would also like the motion to include that she and Morrie meet with the Council Personnel committee to discuss next year's budget and the vacation pay.

Morrie Doll asked when they meet to which Mrs. Rector stated they meet when you call them and so he needs to give her a date and time to set it up.

Marlin Weisheit continued his motion that for budget next year that the Executive Director retain two Planner I positions also include in by back of one week of un-used vacation and advertise and take applications for a Planner III vacancy and to move Christy Powell to the Planner I position right now and for her and Attorney Doll to meet with the Personnel Committee. The motion was seconded by Larry Willis and unanimously carried.

Being no further business the meeting adjourned at 7:25 p.m.

Guy Gentry, President

ATTEST:

Sherri Rector, Executive Director